

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Alana Ihne	Team: Team # 7	CCRB Case #: 200713449	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 08/24/2007 11:55 PM, Saturday, 08/25/2007	Location of Incident: § 87(2)(b) and en route to the 113PCT	Precinct: 113	18 Mo. SOL 2/24/2009	EO SOL 2/24/2009	
Date/Time CV Reported Mon, 09/17/2007 11:29 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 09/17/2007 11:29 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Michael Gleason	00000	899288	PBQST/F
2. POM George Bodenmiller	27036	936223	PBQST/F
3. POM Steven Orlando	27320	934649	113 PCT
4. POM James Zozzaro	28340	942747	113 PCT
5. POM Justin Quinlan	14778	939257	PBQST/F

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Steven Kells	04674	917813	113 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Michael Gleason	Force: Lt. Michael Gleason pointed his gun at § 87(2)(b) and § 87(2)(b)	
B.POM George Bodenmiller	Force: PO George Bodenmiller pointed his gun at § 87(2)(b) and § 87(2)(b)	
C.POM Justin Quinlan	Force: PO Justin Quinlan pointed his gun at § 87(2)(b) and § 87(2)(b)	
D.POM Steven Orlando	Discourtesy: PO Steven Orlando spoke obscenely and rudely to § 87(2)(b)	
E.POM James Zozzaro	Discourtesy: PO James Zozzaro spoke obscenely and rudely to § 87(2)(b)	
F.POM Justin Quinlan	Force: PO Justin Quinlan used physical force against § 87(2)(b)	

### Synopsis

On August 24, 2007, at approximately 11:55pm at § 87(2)(b) in Queens, § 87(2)(b) and § 87(2)(b) were stopped by three plain clothes officers; Lt. Michael Gleason, PO George Bodenmiller and PO Justin Quinlan. § 87(2)(b) and § 87(2)(b) were stopped because § 87(2)(b) an owner of a convenience store, alleged that they were threatening him with a knife in his store. § 87(2)(b) and § 87(2)(b) alleged that Lt. Gleason, PO Bodenmiller and PO Quinlan pointed their guns at them (Allegations A, B and C). PO Steven Orlando and PO James Zozzaro came to the scene to bring § 87(2)(b) back to the 113<sup>th</sup> Precinct stationhouse. § 87(2)(b) alleged that PO Zozzaro said to her, "How did you get the fucking phone? Hang up the fucking phone right now." § 87(2)(b) also stated that PO Orlando told her that he would throw her piece of shit phone out the window and told her to close her fucking mouth. (Allegations D and E). At the 113<sup>th</sup> Precinct stationhouse, § 87(2)(b) asked to go to the hospital. § 87(2)(b) went to § 87(2)(b) and PO Quinlan went with her to the hospital. When § 87(2)(b) was released from the hospital, she alleged that PO Quinlan dragged her out of the hospital (Allegation F).

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

### Summary of Complaint

*On August 25, 2007, § 87(2)(b) called the CCRB to file a complaint (encl.3A-3B) On September 28, 2007, § 87(2)(b) was interviewed at the CCRB (encl. 4A-4E).*

On August 24, 2007, at approximately 11:55pm, § 87(2)(b) and her husband, § 87(2)(b) had just come back from visiting their children, who live with § 87(2)(b)'s mother in Brooklyn. § 87(2)(b) and § 87(2)(b) went into a grocery store to purchase cigarettes and something to drink. A few seconds after entering the store, § 87(2)(b) turned around and saw a male employee of the grocery store, who was standing by the front door, grab § 87(2)(b)'s arm and tell him, "Get out of my store. You know what happened this morning. You remember what happened this morning." § 87(2)(b) stated that she did not know what the employee was talking about. § 87(2)(b) did not say anything but § 87(2)(b) told § 87(2)(b) that they were leaving.

§ 87(2)(b) and § 87(2)(b) crossed the street to walk to another store to make their purchases since they had left the first store without making any purchases. § 87(2)(b) was still cursing at the store employee who tried to lock the front door while walking away and § 87(2)(b) was telling her to calm down. Ten to twelve police officers arrived on the scene in four to five cars. Some of the cars were marked while others were unmarked cars. All the officers exited their cars, pointed their guns at § 87(2)(b) and § 87(2)(b)'s face while yelling, "Freeze. Get down. Get down on the floor." § 87(2)(b) stood where she was while § 87(2)(b) got down on his knees and put both his hands behind his head and was saying, "I didn't do anything. I don't have no weapons." Several plainclothes male police officers pushed § 87(2)(b) down to the ground and two officers, PO1 who was identified by the investigation as Lt. Michael Gleason and PO2 who was identified by the investigation as PO George Bodenmiller, searched him but recovered nothing. Lt. Gleason and PO Bodenmiller handcuffed § 87(2)(b) and stood him up. Two white male police officers, PO3 who was identified by the investigation as PO James Zozzaro and PO4 who was identified by the investigation as PO Steven Orlando, asked § 87(2)(b) if she had anything sharp in her pockets and when she said no, they searched all her pants pockets and her purse but nothing was recovered. § 87(2)(b) was handcuffed. The rest of the officers on the scene kept pointing their guns at § 87(2)(b) and § 87(2)(b) until they were searched. § 87(2)(b) and § 87(2)(b) were handcuffed and the rest of the officers holstered their guns. Some of the officers got back into their cars and started leaving the scene while others remained.

§ 87(2)(b) was handcuffed and was put in the back of a marked RMP while § 87(2)(b) was placed in another vehicle. § 87(2)(b) asked PO Zozzaro and PO Orlando why they were arresting her since they had nothing on them. § 87(2)(b) told the officers that she and her husband were just going home and had not robbed or assaulted the store employee/complainant. § 87(2)(b) was able to remove her cell phone from the holder, which was clipped on the left side of the waistband of her pants, with her left hand. § 87(2)(b) leaned down, scrolled through the “Contacts” on her phone and dialed her friend, § 87(2)(b) whose real name is § 87(2)(b). § 87(2)(b) did not provide § 87(2)(b) last name. § 87(2)(b) told § 87(2)(b) that she had just been arrested after falsely being accused of robbing a man. § 87(2)(b) told § 87(2)(b) to call her mother to let her know that she and § 87(2)(b) were arrested and the circumstances of their arrest.

PO Zozzaro and PO Orlando, who were transporting § 87(2)(b) became very upset when they saw her talking on the phone. PO Zozzaro yelled at § 87(2)(b) “How did you get the fucking phone? How did you get the fucking phone? Hang up the fucking phone right now.” PO Orlando told § 87(2)(b) “I’ll throw that piece of shit out the window.” § 87(2)(b) replied, “So come and throw it out the window.” PO Orlando replied, “Oh, your two-cent phone is not worth my job.” PO Orlando pulled over and stopped the car. PO Zozzaro got out of the car, opened the back door, took § 87(2)(b)’s cell phone, got back in the front seat, and PO Orlando started driving to the stationhouse again. § 87(2)(b) yelled, “I don’t give a fuck,” as PO Zozzaro started looking through her cell phone. § 87(2)(b) asked PO Zozzaro why he was looking through her phone since it was not his phone. PO Orlando told § 87(2)(b) “Oh, so what. It’s not yours anymore so close your fucking mouth.” PO Orlando sped up the police car to a very high speed and then slammed on the brakes. § 87(2)(b)’s body was jerked forward and the right side of § 87(2)(b)’s face crashed into the metal divider in the RMP. § 87(2)(b)’s right cheek and the right side of her lip started bleeding and immediately swelled. § 87(2)(b)’s back was also hurt from the sudden impact of her face against the metal divider. § 87(2)(b) yelled at PO Orlando, “You bitch-ass nigger,” and licked the blood from her lips. PO Orlando laughed and said, “Ha-ha, watch yourself.”

Once at the stationhouse, § 87(2)(b) asked to see a doctor because she was hurt. § 87(2)(b) was told by PO5, who was identified by the investigation as PO Justin Quinlan that she did not need the doctor but she insisted that she needed to go to the doctor immediately. § 87(2)(b) laid on the stationhouse floor because her entire body was in pain, especially her back. PO Quinlan called an ambulance and § 87(2)(b) was transported to § 87(2)(b). Once at § 87(2)(b) PO Quinlan handcuffed one of § 87(2)(b)’s hands to the hospital bed. § 87(2)(b) was at § 87(2)(b) for three hours and released without being treated or having any of the blood cleaned from her face. § 87(2)(b) was discharged at 4:10am on August 25, 2007. PO Quinlan rear cuffed § 87(2)(b) again, lifted her handcuffed arms a few inches, and dragged § 87(2)(b) out of § 87(2)(b) by her handcuffs. Upon further questioning, § 87(2)(b) stated that she had twisted her handcuffed hands to the right side of her body by her hips. § 87(2)(b) stated that she was lifted off the ground by PO Quinlan as he was dragging her out of the hospital by the handcuffs. PO Quinlan told § 87(2)(b) “You don’t want to get charged with resisting arrest.” § 87(2)(b) stated that she was not resisting arrest since she was already arrested but was resisting because she had not seen the doctor even though she was hurt. PO Quinlan told § 87(2)(b) that she had been discharged and thus no longer needed to be at the hospital. PO Quinlan transported § 87(2)(b) to Central Booking from the hospital.

On November 7, 2008, § 87(2)(b) was interviewed at § 87(2)(b) in Queens (encl. 5A-5D)

On August 24, 2007, at approximately 11:55pm, § 87(2)(b) and § 87(2)(b) were going to purchase cigarettes at a store. When § 87(2)(b) and § 87(2)(b) entered the store, the store owner kept telling § 87(2)(b) and § 87(2)(b) to get out of the store as he came around from behind the ice machine or counter with another store employee who was a male. The store owner told § 87(2)(b) and § 87(2)(b) that he remembered them from the confrontation he had with them earlier in the day. § 87(2)(b) explained that he and § 87(2)(b) never had a confrontation with the store owner and did not know what the store owner was referring to although he acknowledged that he went to the store by himself and purchased cigarettes at 7:00am that day. § 87(2)(b) stated that the store employees in the morning were different than those he encountered later in the day when he went to the store with § 87(2)(b). The store owner threatened to call the police if § 87(2)(b) and § 87(2)(b) did not leave the store. As § 87(2)(b) and § 87(2)(b) were trying to exit the store, the male employee tried to close the store’s front door and lock them all inside of

the store. The male employee also had a baseball bat in his hand, which he had retrieved from behind the counter. The store owner also was reaching for the waistband of his pants and looked like he was pulling out a gun. § 87(2)(b) did not know why the store owner and store employee had weapons at hand and denied any prior altercations. § 87(2)(b) managed to keep the door open before the store employee engaged the lock. § 87(2)(b) stated that he did not push the store employee out of his way while keeping the door open. The store employee took out a cell phone and threatened to call the police. § 87(2)(b) replied that she would call the police as well and took out her cell phone too. § 87(2)(b) and § 87(2)(b) exited the store together and left without calling the police. § 87(2)(b) stated that the store encounter lasted for five minutes.

§ 87(2)(b) and § 87(2)(b) walked to their home, which is located at § 87(2)(b). § 87(2)(b) stated that neither he nor § 87(2)(b) stopped to talk to anybody or made any purchases while on their way home from the store. § 87(2)(b) left his jacket at their home and left the house with § 87(2)(b) after five minutes. § 87(2)(b) and § 87(2)(b) were walking to a Chinese restaurant, which was located on 140<sup>th</sup> Street and Rockaway Boulevard, when several police officers in three to four police cars arrived. One of the vehicles was a marked RMP but the rest were unmarked. All the officers on the scene, who were identified by the investigation as Lt. Gleason, PO Bodenmiller and PO Quinlan exited their vehicles, pulled out their guns, and told § 87(2)(b) and § 87(2)(b) to freeze while pointing their guns at them. § 87(2)(b) stated that he and § 87(2)(b) did everything the officers told them to do. § 87(2)(b) stated that only Lt. Gleason handcuffed him. After § 87(2)(b) and § 87(2)(b) were handcuffed, all the officers re-holstered their guns. § 87(2)(b) saw § 87(2)(b) getting handcuffed but he did not remember the officers who handcuffed her. § 87(2)(b) did not remember if § 87(2)(b) was saying anything as she was being handcuffed. § 87(2)(b) was four feet away from § 87(2)(b) as she was being handcuffed by two to three white male officers.

§ 87(2)(b) and § 87(2)(b) were transported back to the 107<sup>th</sup> Precinct stationhouse in two separate marked police cars. Sgt. Steven Kells, who was identified by the investigation, transported § 87(2)(b) to the stationhouse in a marked police car. § 87(2)(b) and § 87(2)(b) were both arrested for menacing but all the charges against § 87(2)(b) have been dismissed.

### **Results of Investigation**

#### **Attempts to Locate Civilian Witnesses**

There were no civilian witnesses. § 87(2)(b) the owner of the convenience store was in the police car and did not see the incident.

#### **Officer Statements**

##### **Officer Identification**

Lt. Gleason, PO Bodenmiller, PO Quinlan, PO Orlando and PO Zozzaro were all identified by the statements of § 87(2)(b) and § 87(2)(b) as well as by the officers' statements to the CCRB about other officers.

*On May 8, 2008 Lt. Michael Gleason was interviewed at the CCRB (encl.6AA-6B).*

From August 24, 2007 to August 25, 2007, Lt. Gleason worked 1700 hours to 0135 hours. Lt. Gleason worked as the patrol supervisor. Lt. Gleason worked with PO George Bodenmiller and PO Justin Quinlan. Lt. Gleason was dressed in uniform and assigned to an unmarked vehicle. The vehicle was a Crown Victoria, car number 880.

Lt. Gleason had the following memo book entries:

On August 25, 2007, at 0030 hours, Lt. Gleason, PO Bodenmiller and PO Quinlan responded to a dispute that involved a person with a knife at § 87(2)(b) in Queens. At 0035 hours, PO Bodenmiller arrested two individuals identified as § 87(2)(b) and § 87(2)(b) was transported to the stationhouse by Sgt. Steven Kells and § 87(2)(b) was transported to the stationhouse by PO Orlando and PO Zozzaro. At 0040 hours, While § 87(2)(b) was transported to the stationhouse; she had a minor injury to her face and was bleeding from the gums. The injury was sustained on the way to

the stationhouse and IAB was notified. A UF 49 was prepared. § 87(2)(b) was removed to the hospital by EMS. § 87(2)(b) was uncooperative at the scene and at the stationhouse.

On August 25 2007, Lt. Gleason, PO Bodenmiller and PO Quinlan received a radio call for a dispute that involved a knife at a bodega. When Lt. Gleason arrived on at the bodega, the bodega owner, who was identified by the investigation as § 87(2)(b) came out of the store and started pointing and stated, "There, that is them." Lt. Gleason did not see them and § 87(2)(b) got in the police car. Lt. Gleason, PO Bodenmiller and PO Quinlan made a u-turn and § 87(2)(b) pointed at two individuals who pulled the knife on him in the store. The individuals were identified as § 87(2)(b) and § 87(2)(b). Lt. Gleason denied that he saw any weapons on § 87(2)(b) and § 87(2)(b). Lt. Gleason told § 87(2)(b) and § 87(2)(b) to stop. Lt. Gleason stated that he might have had his gun out but it was to his side. Lt. Gleason does not remember if PO Bodenmiller or PO Quinlan had their guns drawn. Lt. Gleason, PO Bodenmiller and PO Quinlan tried to effect the arrest and § 87(2)(b) was uncooperative. § 87(2)(b) was cursing at them, and refused to follow orders from the officers. § 87(2)(b) was also uncooperative. Lt. Gleason had to tell them numerous times to stop. Lt. Gleason said that they had to physically touch them so they wouldn't move. § 87(2)(b) and § 87(2)(b) were placed under arrest and another police car was called because Lt. Gleason's car did not have a partition and they needed other officers to transfer the individuals.

Lt. Gleason doesn't remember pointing his gun at § 87(2)(b) or § 87(2)(b). Lt. Gleason didn't observe PO Bodenmiller and PO Quinlan point their guns at § 87(2)(b) and Ms. § 87(2)(b). Lt. Gleason doesn't remember who frisked § 87(2)(b) or § 87(2)(b). PO Zozzaro and PO Orlando brought § 87(2)(b) to the stationhouse and Sgt. Kells brought § 87(2)(b) back to the stationhouse. At the stationhouse, Lt. Gleason noticed that § 87(2)(b) was bleeding from her gums and she was yelling, "You mother fuckers, I got you now mother fuckers, you are going down mother fuckers." Lt. Gleason asked § 87(2)(b) what happened and she stated cursing at Lt. Gleason. Lt. Gleason asked her again what happened and § 87(2)(b) would not tell him. Lt. Gleason asked PO Orlando and PO Zozzaro and they said she was moving around the back of the vehicle and when they stopped short, her face struck the partition. Lt. Gleason doesn't know why they stopped and Lt. Gleason notified IAB and the executive officer.

On May 20, 2008, PO Justin Quinlan was interviewed at the CCRB (encl. 9A-9B).

PO Quinlan worked from August 24, 2007 at 1530 hours to August 25, 2007 at 0830 hours. PO Quinlan started working patrol at 2105. He worked with Lt. Michael Gleason and PO George Bodenmiller. He was in uniform and assigned to an unmarked vehicle number 880.

PO Quinlan had the following memo book entries:

On August 24, 2007, at 2355 hours, there was a dispute that involved a knife at § 87(2)(b). At 2358 hours, § 87(2)(b) in auto for canvass. At 0005 hours, § 87(2)(b) points out male and complainant stated that they pulled knives on him. At 0030, § 87(2)(b) and § 87(2)(b) were under arrest and transferred to the precinct. At 0032 hours, § 87(2)(b) claimed she was hurt from hitting the divider in the police vehicle. At 0145 hours, § 87(2)(b) was transported to § 87(2)(b). At 0159 hours, § 87(2)(b) arrived at § 87(2)(b). At 0410 hours, docket release.

On August 24, 2007, a radio call came over about a dispute. The radio run was at a bodega. The owner of the bodega, § 87(2)(b) said that someone tried to attack him with a knife. § 87(2)(b) got into the police vehicle with the officers and he told the officers what direction the individuals went. About two blocks away § 87(2)(b) pointed the two individuals out. The officers exited their car and attempted to stop § 87(2)(b). § 87(2)(b) was not compliant and did not let the officers see his hands. § 87(2)(b) was walking towards the officers. In an attempt to stop § 87(2)(b) PO Quinlan pointed his gun at § 87(2)(b) and instructed him to stop and put his hands up. PO Quinlan ordered him to go to the ground. When § 87(2)(b) went on the ground, PO Quinlan holstered his gun. § 87(2)(b) was standing behind § 87(2)(b) and PO Quinlan believed that his partner was the officer talking to her. § 87(2)(b) was handcuffed. Other officers came on the scene to transport Ms. § 87(2)(b) and § 87(2)(b). PO Quinlan did not see § 87(2)(b) being arrested. PO Quinlan does not remember what officer brought § 87(2)(b) to the police vehicle.

At the precinct, § 87(2)(b) stated she was punched and then she changed her story and stated that she struck her head on the partition. § 87(2)(b) was cursing at PO Quinlan and told him that she escaped.

from police custody in the past. § 87(2)(b) went to the hospital and PO Quinlan went with her. PO Quinlan had trouble bringing her back to the precinct after she was released. § 87(2)(b) kept trying to break away from PO Quinlan and PO Quinlan had to hold on to her so she would not run away. PO Quinlan denied dragging her from the hospital.

On January 8, 2008, PO George Bodenmiller was interviewed (encl.7A-7E).

On August 25, 2007, PO Bodenmiller worked overtime from 1530 hours on August 24, 2007, doing transit checks and patrolling the 113 Precinct. PO Bodenmiller's regular tour was 1730 hours to 0205 hours. His assignment was working as a recorder in an unmarked Black Ford Crown Victoria, RMP number 880. He was in uniform and working with Lt. Michael Gleason and PO Justin Quinlan.

PO Bodenmiller had the following memo book entries:

At 2355 hours a radio call about dispute that involved a knife inside § 87(2)(b). At 2358 hours, § 87(2)(b) in auto for canvas. At 0005 hours, § 87(2)(b) points out § 87(2)(b) and § 87(2)(b) as perpetrators and said they pulled knives on him and started yelling. At 0030, § 87(2)(b) was transported back to 113<sup>th</sup> Precinct with patrol officers because there was not a partition in the car. At 0130 hours, § 87(2)(b) wanted to go to hospital. At 0138 hours, § 87(2)(b) was being transported to hospital. At 0347 hours, § 87(2)(b) back from hospital, no major injuries. At 0545 hours, prints were completed for § 87(2)(b) and § 87(2)(b).

On August 24, 2007, PO Bodenmiller received a radio call for a dispute in a store that involved knives. PO Bodenmiller, PO Quinlan and Lt Gleason showed up at the store and the owner of the store, § 87(2)(b) was yelling. § 87(2)(b) got in the police vehicle to do a canvass and went around the block and the § 87(2)(b) pointed at the § 87(2)(b) and § 87(2)(b) who had a knife in his store. The officers yelled at them to stop. § 87(2)(b) and § 87(2)(b) continued to walk away and would not stop. PO Bodenmiller drew his gun and pointed it at § 87(2)(b) and § 87(2)(b) and he told § 87(2)(b) and § 87(2)(b) to get on the ground. Once they were on the ground PO Bodenmiller holstered his gun. PO Bodenmiller went over to § 87(2)(b) and placed handcuffs on her and stood her up. PO Bodenmiller frisked her to see if she had a knife and nothing was recovered. PO Orlando and PO Zozzaro transferred § 87(2)(b) and § 87(2)(b) to the stationhouse. PO Bodenmiller went back to the 113<sup>th</sup> Precinct stationhouse and started to do the pedigree information. § 87(2)(b) arrived at the stationhouse and she was yelling and screaming. She was bleeding from her mouth and stated that she got beat up. Lt Gleason made his notification to the duty captain and IAB. The duty captain interviewed § 87(2)(b) and she stated she wasn't beat up and she hit her face on the divider in the car. She asked to go to the hospital and EMS was called and PO Quinlan went to the hospital with her.

On January 16, 2008, PO Steven Orlando was interviewed at the CCRB (encl.11A-11B).

From August 24, 2007 to August 25, 2007, PO Orlando worked from 2315 hours to 0750 hours. He worked with PO George Zozzaro. They were assigned to patrol sector and they were in uniform and in marked motor vehicle number 2429.

PO Orlando had the following memo book entries:

At 0015 hours, there was dispute that involved a knife at § 87(2)(b). At 0030 hours, § 87(2)(b) was under arrest and on her way to the 113<sup>th</sup> precinct stationhouse. At 0035 hours, § 87(2)(b) was at the 113<sup>th</sup> Precinct stationhouse.

On August 25, 2007 at approximately 12:15am, PO Orlando and PO Zozzaro received a radio call that the Task force unit were at § 87(2)(b) for a dispute in which a person had a knife. PO Orlando and PO Zozzaro headed to the location to see if everything was okay. Upon arrival they saw that the task force unit was on the scene and one of the officers had their weapons drawn. Two task force officers and a lieutenant were on scene. § 87(2)(b) was on the ground and § 87(2)(b) was standing up with her hands up. Both individuals looked confused. Two task force officers cuffed § 87(2)(b) and § 87(2)(b). PO Orlando denied that he or PO Zozzaro drew or pointed their gun at anyone. At 0030 hours, PO Orlando and PO Zozzaro transported § 87(2)(b) back to the 113<sup>th</sup> Precinct. § 87(2)(b) was yelling and cursing on the way into the police car. PO Orlando and PO Zozzaro did not frisk or search § 87(2)(b). Shortly after that PO Orlando and PO Zozzaro noticed that Ms § 87(2)(b) was talking but

not talking to them. They looked back and realized she was on her cell phone. They asked her to hang up the phone and she did not hang up the phone. PO Zozzaro got out of the car and took the cell phone from § 87(2)(b). When the car was stopped § 87(2)(b) was leaning forward on the phone and she hit her face on the partition between the front seats and the back seats. § 87(2)(b) told them that she was going to say that they beat her up. At the precinct she told PO Orlando and PO Zozzaro that she was going to allege that they raped her en route to the stationhouse. She said she felt faint and fell to the fall and they called for EMS to come to the station house. § 87(2)(b) was interviewed by the commanding officer from the 113th precinct. She recanted the statements of assault and rape and IAB was notified. The IAB log number was 07-32493. PO Orlando was not interviewed by IAB.

PO Orlando denied that he or PO Zozzaro asked § 87(2)(b) “How the fuck did you get the phone and to hang the fucking phone up.” PO Orlando denied that he said to § 87(2)(b) “I will throw that piece of shit out the window. PO Orlando does not remember if PO Zozzaro went through § 87(2)(b) s phone. PO Orlando denied telling § 87(2)(b) “Close your fucking mouth.”

On January 4, 2008, PO James Zozzaro was interviewed at the CCRB (encl. 12A-12D).

PO Zozzaro worked from August 24, 2007 at 2315hours to August 25, 2008 at 0750 hours, PO Zozzaro worked from 2315-0750. He worked with PO Orlando. They were in uniform and in a marked motor vehicle.

PO Zozzaro had the following Memo book entries:

On August 25, 2007, at 12:00am, there was a dispute that involved a knife at § 87(2)(b). At 12:30am, § 87(2)(b) was in a police motor vehicle. At 1235am, § 87(2)(b) was out of police motor vehicle.

On August 25, 2007 at approximately 12:00am, PO Zozzaro and PO Orlando got a call for a dispute that involved a knife. The Queens task force was responding to the job and PO Zozzaro and PO Orlando were responding as the back up team. When they arrived at the scene, task force already stopped two individuals identified as § 87(2)(b) and § 87(2)(b). Two task force officers and a task Sergeant were on scene. The task force officer had their guns drawn and pointed at § 87(2)(b) and § 87(2)(b). § 87(2)(b) was screaming and stated, “This is bullshit.” Once § 87(2)(b) and § 87(2)(b) had their hands up the officers put down their guns. The bodega owner, § 87(2)(b) who accused § 87(2)(b) and § 87(2)(b) of menacing him with a knife was on scene to do a show up and identified § 87(2)(b) and § 87(2)(b) as the two individuals who tried to menace him.

§ 87(2)(b) and Ms § 87(2)(b) were placed in handcuffs. PO Zozzaro denied he or PO Orlando drew or pointed his weapon at § 87(2)(b) and § 87(2)(b). The arresting officer from the task force unit put § 87(2)(b) in the back of PO Zozzaro and PO Orlando’s vehicle and they started to drive back to the 113<sup>th</sup> Precinct. On the way back to the precinct, § 87(2)(b) was screaming and spitting at the officers behind the partition. When PO Zozzaro and PO Orlando looked in the back seat, § 87(2)(b) was on her cell phone. They told her to get off the phone and PO Orlando stopped the car. PO Zozzaro denied that he stated, “Get off the fucking phone” or “How did you get the fucking phone.” § 87(2)(b) was leaning forward and when the car stopped she hit her face on the partition. PO Zozzaro got out of the car and took her cell phone away from her. When they arrived at the precinct they took § 87(2)(b) out of the vehicle and took her inside the stationhouse. PO Zozzaro gave § 87(2)(b) s cell phone to the arresting officer.

PO Zozzaro denied looking through § 87(2)(b) s phone and he denied telling her to close her fucking mouth

The task force unit called EMS for § 87(2)(b) because she hurt her face when she hit the partition.

#### **Officers not interviewed**

Sgt. Kells was not interviewed because his statement would not influence the disposition of the case because he was not on scene when FADO allegations were alleged.

## **NYPD Documents**

§ 87(2)(b) s medical documents (encl. 13A-13N).

§ 87(2)(b) went to § 87(2)(b) on August 25, 2007. She was released from § 87(2)(b) on August 25, 2007. According to § 87(2)(b) medical records, she hit her face on a partition when the police car stopped short. There is a small abrasion on her cheek bone. § 87(2)(b) was told to take Tylenol and she was provided with medicine to put in the small abrasion on her cheek bone. § 87(2)(b) complained of dizziness and a headache. § 87(2)(b) was advised to follow up with her regular doctor or medical clinical in one or two days. § 87(2)(b) was released from the hospital at 4:10am on August 25, 2007.

**Sprint Print-Out No: no job number (encl. 15A-15B).**

On August 24, 2007, at 2355 hours, a male caller stated that a knife was pulled on employee at his store. At 0007 hours, the first Lieutenant on 113<sup>th</sup> Precinct roll call arrived on the scene. At 0030 hours, the first Lieutenant on 113<sup>th</sup> Precinct roll call verified one arrest. At 0731 hours, the first Lieutenant on 113<sup>th</sup> Precinct roll call made a crime arrest.

**UF-61: § 87(2)(b) (encl. 16A-16H).**

§ 87(2)(b) stated that one male and one female did enter his store and while inside a confrontation developed and the male and female both produced knives and threatened § 87(2)(b) safety. Lt. Michael Gleason was the supervisor on the scene. § 87(2)(b) and § 87(2)(b) are named in the report as the defendants.

**Roll Call (encl. 19A-19P).**

According to the roll call, Lt. Gleason was assigned as the patrol supervisor. PO Bodenmiller and PO Quinlan were assigned to the task force unit. PO Zozzaro and PO Orlando were assigned to the mobile response team.

**Command Log (encl. 20A-20C).**

According to the command log, PO Bodenmiller arrested § 87(2)(b) and § 87(2)(b) at 0032 hours for CPW. § 87(2)(b) s mental and physical condition appeared normal. § 87(2)(b) had blood inside her mouth and scratches to the side of her face. She was removed to § 87(2)(b) by EMS § 87(2)(b) and IAB was notified.

**Vouchered documents (encl. 18A-18B).**

The following was vouchered for § 87(2)(b) a T-mobile sim card, cell phone battery, inhalers, a handbag, black belt, brown and black shoe laces, multi colored scarf, earrings, cell phone case, miscellaneous papers, metro cards, condoms, personal hygiene items, cell phone, and cell phone charger.

**Medical Treatment of Prisoner Report (encl. 14AA).**

§ 87(2)(b) received an injury to her face while being transported to 113<sup>th</sup> Precinct in RMP# 2429.

**Case disposition**

§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)

**Criminal Conviction History of (encl. 21A-21I).**

§ 87(2)(b)  
§ 87(2)(b)

**Civilian CCRB History (encl. 2D-2E).**

This is § 87(2)(b) and § 87(2)(b) s first CCRB complaint.



### **Officer CCRB History (encl. 1A-2C)**

No allegations have been substantiated against Lt. Gleason, PO Bodenmiller, PO Quinlan, PO Orlando or PO Zozzaro.

### **Conclusions and Recommendations**

#### **Undisputed Facts**

It is undisputed that § 87(2)(b) and § 87(2)(b) were stopped by Lt. Gleason, PO Quinlan and PO Bodenmiller. It is undisputed that PO Quinlan and PO Bodenmiller pointed their guns at § 87(2)(b) and § 87(2)(b). It is undisputed that PO Bodenmiller frisked § 87(2)(b). It is undisputed that § 87(2)(b) and § 87(2)(b) were searched. § 87(2)(g)

#### **Disputed Facts**

It is disputed if Lt. Gleason pointed his gun at § 87(2)(b) and § 87(2)(b). It is disputed whether or not PO Zozzaro and PO Orlando spoke obscenely and rudely to § 87(2)(b).

#### **Assessment of Evidence**

On August 24, 2007, Lt. Gleason, PO Bodenmiller and PO Quinlan received a radio call for a dispute that involved a knife at a convenience store at § 87(2)(b) in Queens. When they arrived at the store, the owner of the store, § 87(2)(b) got in the officers vehicle and about a block away pointed out § 87(2)(b) and § 87(2)(b) and stated they had a knife in his store. All the officers got out of the car and told § 87(2)(b) and § 87(2)(b) to freeze. § 87(2)(b) and § 87(2)(b) continued walking. § 87(2)(b) and § 87(2)(b) stated that all the officers pointed their guns at them. Lt Gleason stated that he had his gun to his side and PO Bodenmiller and PO Quinlan both stated that they had their gun pointed at § 87(2)(b) and § 87(2)(b) because it was a felony stop and § 87(2)(b) and § 87(2)(b) were not complying with their verbal commands.

PO Orlando and PO Zozzaro arrived on scene to take § 87(2)(b) to the stationhouse. While in the car, § 87(2)(b) used her cell phone to call someone. § 87(2)(b) alleged that PO Zozzaro stated to her, "How did you get the fucking phone? Hang up the fucking phone right now." § 87(2)(b) also stated that PO Orlando told her that he would throw her piece of shit phone out the window and told her to close her fucking mouth. PO Zozzaro and PO Orlando both denied that they said that. The investigation could not determine whether or not PO Zozzaro and PO Orlando used profanity towards § 87(2)(b).

§ 87(2)(b) alleged that when she left the hospital, PO Quinlan dragged her out of the hospital. § 87(2)(b) admitted to being uncooperative on her way out of the hospital and recalled PO Quinlan mentioning she was resisting arrest. PO Quinlan stated that he had to retrain § 87(2)(b) so she wouldn't run away from him. The CCRB determined that she was not dragged considering the lack of injuries to § 87(2)(b).

#### **Allegations not pleaded**

A search was not pleaded for § 87(2)(b) and § 87(2)(b) because it was clearly a search incident to a lawful arrest. § 87(2)(g)

**Allegation A: Lt. Michael Gleason pointed his gun at § 87(2)(b) and § 87(2)(b)**

**Allegation B: PO Justin Quinlan pointed his gun at § 87(2)(b) and § 87(2)(b)**

**Allegation C: PO George Bodenmiller pointed his gun at § 87(2)(b) and § 87(2)(b)**

§ 87(2)(b) and § 87(2)(b) stated that Lt. Gleason, PO Quinlan and PO Bodenmiller pointed their guns at § 87(2)(b) and § 87(2)(b). Lt. Gleason stated that his gun was out and to his side and PO Quinlan and PO Bodenmiller admitted they pointed their guns at § 87(2)(b) and § 87(2)(b). According to PD V. Gliner, "An officer can draw his firearm and point it another person so long as he has a reasonable fear for his own or another's personal safety"(encl.1AA-1EE). § 87(2)(g)

**Allegation D: PO James Zozzaro spoke obscenely and rudely to § 87(2)(b)**

**Allegation E: PO Orlando spoke obscenely and rudely to § 87(2)(b)**

§ 87(2)(b) alleged that PO Zozzaro stated to her, “How did you get the fucking phone? Hang up the fucking phone right now.” § 87(2)(b) also stated that PO Orlando told her that he would throw her piece of shit phone out the window and told her to close her fucking mouth. PO Zozzaro and PO Orlando both denied that they said that. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation F: PO Justin Quinlan used physical force against § 87(2)(b)**

§ 87(2)(b) alleged that PO Quinlan dragged her out of the hospital. PO Quinlan denied dragging her out of the hospital. PO Quinlan stated that § 87(2)(b) was being uncooperative and he had to hold on to her so she wouldn’t try to leave the scene. § 87(2)(g)

§ 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: